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# Report of the Working Group on the issue of discrimination against women in law and in practice

## Mission to Spain* **

*Summary*

The Working Group on the issue of discrimination against women in law and in practice conducted a visit to Spain from 9 to 19 December 2014. In the present report, the Working Group sets out the context and the legislative and institutional frameworks in Spain for preventing discrimination against women and ensuring effective equality between women and men. It reviews women's participation in economic and social life, including the impact of the economic and financial crisis and austerity measures, and in political and public life. It examines the incidence of gender-based violence, including domestic violence and the effectiveness of measures adopted by the Government to combat it. The Working Group also reviews issues regarding women's sexual and reproductive health and rights, highlights the role of education and media in combatting discriminatory stereotypes, identifies good practices and notes the achievements made. It concludes with concrete recommendations regarding remaining challenges.

* The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission and in Spanish only.

** Late submission.

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## Annex

[*English and Spanish only*]

# Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Spain (9 – 19 December 2014)

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# I. Introduction

1. The Working Group on the issue of discrimination against women in law and in practice visited Spain from 9 to 19 December 2014 at the invitation of the Government. The Chairperson-Rapporteur, Frances Raday and Eleonora Zielinska participated in the visit.

2. In accordance with its mandate as described in Human Rights Council resolutions 15/23 and 20/6, the objective of the visit was to engage in dialogue with the Government and other stakeholders on eliminating discrimination against women in law and in practice, including achievements made and remaining challenges, good practices in the elimination of laws that discriminate against women, and ways and means to advance women's equality and empowerment.

3. During its visit, the Working Group met with government officials at the national and regional levels, and with representatives of civil society organizations. It visited Madrid, Andalusia, the Basque Country and Navarra to gather first-hand information on issues relating to discrimination against women in different contexts, including migrant women and women from ethnic minorities.

4. The Working Group expresses its appreciation to the Government of Spain for its invitation and its cooperation before and during the visit. The Working Group hopes to continue to engage with the Government and other stakeholders, including civil society actors, on the issue of women's human rights and on the implementation of its recommendations.

# II. Context

5. A country with a rich history and strong traditions, Spain has undergone significant and rapid societal changes in a relatively short period of time since its transition to democracy in 1978.

6. The transition to democracy has brought noticeable changes to women's lives. Under the Franco regime, discrimination against women was legally and socially entrenched. Women were subordinated to patriarchal authority and needed their husbands' approval (*permiso marital*) for nearly every aspect of life outside the home. The role of women was restricted to the family, as mothers and wives, and they were largely excluded from the public, political and economic spheres.

7. Towards the end of the Franco regime and with the transition to democracy, milestones of progress included the abolition of *permiso marital*, in 1975; the suppression of the law against adultery, in 1978; the lifting of the ban on the sale of contraceptives, in 1978; and reforms in family and civil law, including the legalization of divorce, in 1981. Other steps included the legalization of abortion by the Organic Law of 1985; the ground-breaking law on gender-based violence, in 2004; the Equality Law (2007), which aims at attaining the de facto equality of men and women in all spheres of live; and the Organic Law on sexual and reproductive health of 2010.

8. These changes, particularly those affecting marriage, sexual and reproductive health and rights, have been resisted by some sectors of society, particularly the Catholic Church, which historically has played a role as the moral guardian of society.

9. Spain has been profoundly marked by its recent history, and the legacy of its past lingers. The human rights violations committed in the past remain to be recognized fully and reparations to victims provided, including the cases of sexual violence, assault and

humiliation directed against women, often in reprisal for their real or suspected affiliation or that of their families or companions (see A/HRC/27/56/Add.1).

10. The democratization and the modernization of society have accelerated since Spain joined the European Economic Community in 1986. The State has strived to bring its legislative and policy frameworks into line with European Union directives and standards in the social and economic fields. It has benefited from the assistance of the European Union, and experienced rapid economic growth and development. An unprecedented construction boom was witnessed throughout Spain after the late 1990s, which drew a large flow of migrants into the country, including women domestic workers.

11. Since 2008, however, Spain has experienced a severe economic and financial crisis that has led to one of the highest rates of unemployment in Europe. Austerity measures taken have involved severe cuts in public spending, affecting in particular health, education, and social services and benefits. Civil society actors have reacted to these drastic measures with spontaneous and widespread demonstrations. In response, the authorities have taken a number of legislative measures that have imposed restrictions on freedom of expression and assembly.

12. The economic crisis and ensuing austerity measures have had a damaging impact on the lives of men and women. Women are, however, an especially vulnerable, given that they often work part-time and in care work for those in dependency, funding for which has also been slashed.

13. Many stakeholders, including public officials in the regions, have observed a worrying backslide in women's social and economic empowerment, pointing to the reduction of budgets for social services in many autonomous communities, which have weakened institutions that provide services to women and their dependents or even forced them to close.

14. According to some interlocutors, this trend is not only the inevitable result of the economic crisis but also of the Government's austerity policies, which cannot be justified fully by the crisis.

15. International and regional human rights mechanisms have voiced concerns on the negative impact of the austerity measures, in particular on the most vulnerable groups,[1] including women.

## III. Legislative and institutional frameworks

16. Spain has established impressive and wide-ranging legislative, policy and institutional frameworks for equality and non-discrimination. This is all the more impressive when considering the relatively short time taken to establish them following the State's transition to democracy.

17. Spain has ratified most key international and regional human rights and labour rights treaties and related optional protocols, with the exception of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO) and the revised version of the European Social Charter, which provides for the submission of a collective claim to the European Committee of Social Rights. Spain was

[1] See E/C.12/ESP/CO/5, CRPD/C/ESP/CO/1 and A/HRC/29/8. See also the report of the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, following his visit to Spain, CommDH(2013)18, 9 October 2013.

among the first States to ratify the Convention on the Elimination of All Forms of Discrimination against Women, and has since demonstrated its commitment to women's equality by its submission of seven periodic reports to and constructive dialogue with the relative treaty body.

## A. Legislative framework

### 1. Constitutional protection of equality

18. The right to equality is established in the Constitution. Article 14 guarantees the right to equality and non-discrimination on the grounds of sex. Article 9.2 requires public authorities to ensure that individuals and groups enjoy de facto equality. The Constitutional Court, in its judgement No. 12/2008, ruled on the meaning of equality, the right to non-discrimination and the affirmative action provisions in Organic Law 3/2007 on Effective Equality.

### 2. Comprehensive protection measures against gender violence

19. Organic Law 1/2004 on Comprehensive Protection Measures against Gender Violence is regarded as a conceptually ground-breaking law. It frames gender-based violence as located "at the epicentre of a complex web of social, economic and cultural exchanges of power between men and women".[2] The law begins with an unambiguous statement that points to the fundamental nature of violence against women, stating that gender violence is not a problem confined to the private sphere, but rather something that stands as the most brutal symbol of the inequality persisting in Spanish society. It is further described as violence directed against women for the mere fact of being women, who are regarded by their aggressors as lacking the most basic rights to freedom, respect and power of decision.

20. The law establishes a solid and comprehensive legal framework for protection against and the prevention, prosecution and punishment of violence by an intimate partner or ex-partner. It does not, however, cover other forms of gender-based violence, such as sexual harassment and violence in public spaces, which are prohibited under the Penal Code without the advantage of gender-specific treatment. This gap in coverage limits the impact of the law.

### 3. Same-sex marriage law

21. Spain adopted the Law on Same-Sex Marriage in 2005, thereby becoming one of the States in the world to have taken this step towards equality. The Constitutional Court upheld the constitutionality of the law in November 2012.

### 4. Comprehensive law on effective equality

22. Organic Law 3/2007 on effective equality for men and women provides for a legal framework for achieving equality and eliminating discrimination. The law begins with the recognition that gender violence, wage discrimination, discrimination in widows' pensions, the higher rate of female unemployment, the still scant presence of women in positions of political, social, cultural and economic responsibility, and the problems posed when reconciling personal, working and family life stand as evidence that the attainment of full, effective equality between women and men is an unfinished task.

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[2] Kerman Calvo and Irene Martin, "Ungrateful Citizens? Women's Rights Policies in Zapatero's Spain", *South European Society and Politics*, vol. 14, No. 4, December 2009, pp. 487–502.

23. The law aims at the elimination of discrimination against women in all circumstances and in all areas of life, and specifically in the political, civil, occupational, economic, social and cultural domains. It lays down measures to eliminate and correct all forms of discrimination on the grounds of sex in the public and private sectors. It establishes public programmes requiring gender impact studies, the development of strategic plans and gender balanced appointments. It establishes institutional mechanisms and requires government action in a range of areas.

24. Importantly, the law contains detailed provisions for the right to equal work opportunities, including the prohibition of direct and indirect discrimination, equal access to employment and career development, the reconciliation of personal, family and working life, training, gender balance in selection and evaluation committees, and equal pay for work of equal value. It also mandates the formulation of corporate positive action equality plans for enterprises with more than 250 employees.

#### 5. Sexual and reproductive health and rights

25. The purpose of Organic Law 2/2010 on Sexual and Reproductive Health and the Voluntary Termination of Pregnancy is to guarantee fundamental sexual and reproductive health rights, to prescribe conditions for the voluntary termination of a pregnancy, and to set out obligations of the relevant authorities. It recognizes fundamental human rights relating to sexual and reproductive health, and existing international and European norms. It addresses the protection and defence of sexual and reproductive health in a comprehensive manner, including access to secure and state-of-the-art contraceptive methods, the training of health professionals, education-related measures in the education system, and the inclusion of coverage by public national health system, as well as the formulation of a national sexual and reproductive health strategy.

26. Most importantly, the law recognizes a woman's right to autonomy during the first 14 weeks of pregnancy and the responsibility of the State to provide support and services, clarifying that, in the early stages of pregnancy, the protection of a legal right is better achieved "by working with the pregnant women rather than against her". The law sets out specific requirements to be met for voluntary termination of pregnancy, including within 14 weeks on the basis of the informed decision of the pregnant woman, and until 22 weeks on health grounds.

#### 6. National plans of action

27. As required by Organic Law 3/2007, consecutive strategic plans on equality have been developed and implemented at the national and autonomous community levels. Numerous strategic plans, policies and programmes to promote equality and to fight gender-based violence have been developed. A national plan of action was launched for the application of Security Council resolution 1325 (2000) on women and peace and security. Two current national plans ought to be highlighted: the National Strategy for the Eradication of Violence against Women (2013-2016) and the Strategic Plan for Equal Opportunities (2014-2016).

## B. Institutional framework

#### 1. National level

28. At a very early stage of its transition to democracy, the State established, by Law 16/1983 of 24 October 1983, the Institute for Women, a specialized autonomous body tasked with transforming the constitutional guarantee of gender equality into reality. In

2014, the body was renamed the Institute for Women and for Equal Opportunities, its new mandate making it responsible for addressing all different forms of discrimination.

29. The institutional framework for equality has evolved, in particular since the adoption in 2007 of the law on equality, which required the establishment of a range of bodies, including an interministerial committee on equality between women and men, gender units in all ministries, and a women's participation council as a collegiate advisory body serving as a channel for institutional participation. The Ministry for Equality was established in 2008, but was dissolved in 2010, and its functions were assigned to the Ministry of Health, Social Affairs and Equality.

30. Several institutional and judicial protection structures have been established pursuant to the requirement of Organic Law 1/2004 on gender violence. The Government Delegation on Violence against Women and the State Observatory on Violence against Women (http://estadisticasviolenciagenero.msssi.gob.es/) were created to monitor the implementation and effectiveness of the law. The Government Delegate on Violence against Women collects and distributes data on the scale and assessment aspects of the measures implemented through its statistical portal. Dedicated units have been set up within law enforcement and security agencies for the prevention of gender violence and the enforcement of the legal measures taken. Special gender violence courts and a section of the prosecutor's office for cases of gender-based violence have also been created.

31. The Office of the Ombudsman is responsible for monitoring the activity of the public administration and public authorities in an independent and impartial manner. It plays a role in identifying problems and makes recommendations. The Office submits to Parliament an annual report on its work covering a range of areas. The Ombudsman has highlighted concerns with regard to the situation of women's human rights, including violence against women, the situation of women in prison and in alien internment centres, the reconciliation of family and working life, and the physical tests demanded of men and women for certain posts in government.[5]

32. Despite official assurances, the Working Group remains concerned that the transformation of the Institute of Women may further weaken the focus on monitoring and eliminating discrimination against women. Furthermore, it is not convinced that the provision of budgets for ensuring women's rights to equality will be adequate, and is concerned that transparent gender budgeting will be more difficult.

### 2. Regional level

33. Autonomous communities have jurisdiction to establish their own legislative and institutional frameworks for equality. During the visit, the Working Group met with the Andalusia Institute of Women, the Institute of Family and Equality in Navarra and the Basque Institute of Women (Emakunde) in the Basque Country.

34. The country's high degree of decentralization poses a challenge to the State in the fulfilment of its international human rights obligations and its constitutional responsibility to ensure the equal enjoyment of human rights of everyone in Spain. The autonomous communities are empowered with a wide range of legislative and executive responsibilities, and have their own parliaments and regional governments. According to article 147 (d) of the Constitution, each autonomous community has its own statute of autonomy as its basic institutional law, which spells out the competences assumed and the basis for the transfer of relevant services to it. Matters not attributed expressly to the State may belong to the

[5] Summaries of annual reports presented to Parliament since 2003 are available at www.defensordelpueblo.es/en/Documentacion/Annual/index.html.

autonomous communities by virtue of their respective statutes; these include social policy, education and health care. Furthermore, certain powers are distributed differently among communities, some of which have, for example, more prerogatives than others, such as greater fiscal autonomy and their own police force.

35. The Working Group notes that the above-described decentralization has contributed to disparities in the enjoyment of rights, particularly economic, social and cultural rights. For instance, it learned that access to contraception depends on one's place of residence, given that autonomous communities are responsible for providing resources and services for contraceptives and establishing guidelines on access in accordance with their policies on sexual and reproductive health. Important discrepancies prevail between more affluent regions in north-eastern Spain and the regions in south-western Spain, which have some of the highest regional rates of unemployment. In recent years, stark differences have been noted among autonomous communities in the type and scale of budgetary cuts made.[4]

36. The State is responsible for ensuring, through effective coordination of relevant mechanisms and structures in all areas, uniformity of results in the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It is also required to provide a comprehensive description of the situation of women in law and in practice in the autonomous communities, and the degree of conformity with Organic Law 3/2007 and its obligations under the Convention (see CEDAW/C/ESP/CO/6 and Add.1).

# IV. Participation of women in economic and social life

## A. Women in the workforce

37. The participation of women increased in the labour market from 37.66 per cent in 1995 to 53.29 per cent in 2013 (see ECE/AC.28/2014/4).[5] Women remain, however, in a severely disadvantaged position in the labour market; their participation in full-time work is in fact lower than the average in the European Union. Women account for 70 per cent of all persons working part time, mainly because of their inability to find full-time employment. Of all women in the workforce, 24.5 per cent are employed part-time, as against only 6.6 per cent of men. Furthermore, employed women are more likely than men to be working on temporary contracts (see CEDAW/C/ESP/7-8).

38. The gender pay gap currently stands at 17.8 per cent, which is higher than the average in the European Union.[6] The gap, which has increased in recent years (see ECE/AC.28/2014/4), is much greater for part-time and unskilled workers, and for those working in the private sector.

39. In employment, the promotion of women to managerial positions is lower than the average in the European Union. Segregation is horizontal; women are concentrated in the lower-paid service sector and in jobs requiring more modest levels of qualifications. The latest figures in the context of the 20-year regional review of the implementation of the Beijing Declaration and Platform for Action show that women account for 53.7 per cent of

[4] Muižnieks, report following his visit to Spain (see footnote 1).

[5] See also the national report of Spain of 29 May 2014 submitted to the Economic Commission for Europe in view of the regional review meeting in preparation for the global 20-year review of the implementation of the Beijing Platform for Action (available from www.unece.org/index.php?id=35455).

[6] "Tackling the gender pay gap in the European Union", European Commission, 2014.

those employed in the service sector, 67.8 per cent in education, 77.4 per cent in health and social services, 88 per cent in domestic services and 68.3 per cent in travel agencies.[7]

40. The gender gap in wages and promotion contrast starkly with the high education level of women, whose rate of enrolment in tertiary education is higher than that of men.[8] The better education of women has yet to be adequately translated into better employment, better remuneration or fair occupation in decision-making positions.

41. Women's unpaid care burden constitutes a severe structural barrier to achieving equal opportunities in employment. Women spend 40 per cent more time daily than men in unpaid work.[9] Women enjoy the right to paid maternity leave and parents to child-care leave, in accordance with international standards. The extension of reduced working hours to parents of children under 12 years of age (previously under 8years of age) is a welcome step.

42. Spain has approximately 569,100 domestic workers, one of the highest numbers in Europe.[10] Domestic workers are predominantly migrant women, many of whom are indigenous women from Latin America. Law 27/2011 and Royal Decree 1620/2011 have brought important improvements to the protection of their rights, including greater job security and better working conditions, inclusion in the social security system and the guarantee of a minimal wage. The working conditions for live-in domestic workers are nonetheless harsh; employers may deduct up to 30 per cent of the total salary (over the minimum wage) for food and accommodation. Furthermore, domestic workers are still excluded from unemployment insurance benefits.

## B. Women in economic decision-making

43. The law on equality of 2007 recommends that the State endeavour to reach gender balance in the boards of directors of large companies. According to article 75 of the law, regarding the participation of women in the boards of directors of mercantile companies, companies that are required to present unabridged financial statements of income should endeavour to reach a balanced presence of women and men on their boards of directors within eight years of the entry of the law into effect. According to information provided by the Government, in the top 35 companies quoted on the Spanish stock exchange (IBEX 35), in 2014, 18.2 per cent of corporate board members were women, up from the 12.1 per cent recorded three years earlier. The Working Group was, however, informed that since the commitment to achieve the goal of 40 per cent of women on corporate boards is voluntary, some companies do not take any particular measures to increase the number of women on their boards. Law 31/2014 of 3 December 2014 amending the Corporations Act does not address this issue.

## C. Impact of austerity measures

44. The austerity measures introduced in response to the economic and financial crisis have had a severe and disproportionate impact on women.

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[7] Ibid.

[8] The Global Gender Gap Report 2014, World Economic Forum (available at http://reports.weforum.org/global-gender-gap-report-2014/).

[9] Ibid.

[10] "Who are domestic workers?", ILO.

45. The minimal wage freeze has had a disproportionate impact on women who are concentrated in lower-paid sectors. Cuts and restrictions in the implementation of Law 39/2006 on personal autonomy and dependent care have put an extra burden on families, and in particular on women, to assume care functions. A total of 83 per cent of those caring for dependent persons are middle-aged women relatives (generally, mothers, daughters or wives).[11]

46. There have been reductions in child-centred services, such as kindergartens and school canteens, which have thus privatized the burden of care. Single-parent families, an overwhelming majority of which are headed by a woman, have been particularly affected: 45 per cent of children in such families are in fact at risk of poverty. At the same time, the right of parents to choose flexi-work has been revoked.

47. The Working Group observes that the above-mentioned measures have heightened the care barrier to the participation of women in the labour force and in career promotion. In its opinion, it is important to provide a social protection floor for care, in particular for full-time working parents, and to synchronize school days and holidays with working time. These are essential measures not only for women to have access to the labour market but also for the sustainable recovery of the economy.

48. Civil society stakeholders brought to the attention of the Working Group the successive labour measures of recent years, which have resulted in an increasingly precarious labour market by facilitating dismissals and empowering employers to take unilateral decisions. Reportedly, employers have transformed full-time jobs to part-time ones with overtime hours in order to avoid employment costs. Women have suffered most from this practice. Law 3/2012 on urgent measures to reform the labour market was adopted despite the strong opposition of different forces throughout the country. The law has resulted in a deterioration in working conditions, which has led to more precarious work and temporary jobs, as well as a decline in wages and in the power of labour unions.[12]

49. Although the unemployment for women has more than doubled since 2005, by 2013 the gap between men's and women's unemployment had narrowed to the current levels of 27.02 per cent for women and 25.79 per cent for men.[13] According to the information received, measures to boost employment after the economic crisis have largely focused on male employment sectors.

50. Vulnerable groups of women have been particularly affected. The Committee on the Rights of Persons with Disabilities has expressed concerns that employment policies in Spain do not include a comprehensive gender perspective and that unemployment, inactivity and training rates are significantly worse for women than for men with disabilities (CRPD/C/ESP/CO/1, para. 21). Older women are among the most vulnerable groups: their average pension is 38 per cent lower than men's as a result of less participation in the labour force, lower wages and shorter contributing periods in employment.[14]

[11] See Eurofound, "Law to support care of dependent people, Spain", European Monitoring Centre on Change, October 2009.

[12] Vicente Navarro, "The Disastrous Labor and Social Reforms In Spain", Social Europe, 3 March 2014.

[13] National report of Spain (see footnote 5).

[14] "Impacto de las pensiones en la mujer: jubilación y calidad de vida en España", Centro Internacional Trabajo y Familia and VidaCaixa, April 2014.

### D. Government response

51. The Working Group was encouraged to learn of the various measures that the Government has taken or plans to take. Royal Decree-Law 16/2013 adopted on 20 December 2013 reinstated the ban on overtime, except in cases of *force majeure*, for workers employed under part-time contracts, with additional hours to be remunerated as regular hours and reflected in the social security system. The Working Group welcomes the programmes conducted by the Institute of Women and for Equal Opportunities for women in vulnerable situations, including victims of gender violence, women at risk of social exclusion, unemployed women, and rural women (with a view to improving their employability and capacity for self-employment). It is keen to see evidence of the impact of these measures.

52. The Working Group welcomes the Strategic Plan for Equal Opportunities (2014-2016) aimed at combating inequalities that persist in the field of labour and wages. One of its strategic objectives is to promote equality of opportunities between women and men in access to the labour market, the retention of jobs, wage equality and improved working conditions. In addition, the Working Group welcomes that the approval of the special plan (2014-2016), which will focus on overcoming the gender gap in wages and salaries, and the national plan for social inclusion (2013-2016).

## V. Education, culture and stereotypes

### A. Role of education

53. The important role of education in bringing changes in attitudes and behaviour towards equality between men and women is reflected in Organic Law 1/2004, which contains specific sections on sensitization in education, advertising and the media. The law mandates the teaching of the equality of men and women as objectives of the education system. Education authorities have the obligation to ensure that sexist and discriminatory stereotypes are removed from all educational materials. Similarly, the law on equality of 2007 contains provisions on education for equality and the responsibility of the mass media in upholding the principle of gender equality. The Committee on the Elimination of Discrimination against Women has called upon Spain to strengthen its efforts to eliminate stereotypical images and attitudes regarding the roles of women and men in the family and in society and implement targeted programmes in the education system, including human rights education and the dissemination of the Convention, the revision of school textbooks and curricula, and the training of teachers (CEDAW/C/ESP/CO/6, para. 18). The Working Group was informed by stakeholders that textbooks have still not been revised in many autonomous communities.

54. Civil society organizations also reported in a shadow report on the period 2008-2013, submitted to the Committee on the Elimination of Discrimination against Women, on the impact of education budget cuts in various autonomous communities on the right of women and girls to education. For example, in Navarra, the only specific and specialized course on gender is at serious risk of disappearing from the public university. In the view of the Working Group, it is important to address the disparity noted in women's educational achievements and their access to economic opportunities in schools by removing stereotypes in the educational system and by supplying career advisory services for girls.

## B. Education for citizenship and human rights

55. The State incorporated democratic citizenship and human rights education into the educational system for the first time through organic law 2/2006 on education, in May 2006. "Education for citizenship and human rights" was then introduced as a compulsory subject at both elementary and secondary levels, focusing on fundamental values such as human rights, gender equality, non-discrimination and respect for diversity. In February 2009, the Supreme Court ruled that the law was constitutional.

56. The Working Group notes that some State officials and many civil society organizations regard the course on citizenship and human rights as an essential means for educating boys and girls that universal human rights values and women's human rights are an inalienable part of civic ethics.

57. In 2013, in the Law on the Improvement of the Quality of Education, the core syllabus course "Education for citizenship and human rights" was replaced with the subjects "Civic and social values" in primary schools and "Ethical values" in secondary schools as optional alternatives to the subject of religion, at the discretion of parents or legal guardians. The Working Group regards this change as a retrogressive measure in the overall effort to eliminate discriminatory gender stereotypes and empower girls, and does not consider the teaching of gender in social and natural sciences courses an adequate solution. Freedom of religion cannot, as independent United Nations human rights experts have consistently clarified,[15] be used to justify discrimination against women, and therefore should not be regarded as a justifiable reason for marginalizing the teaching of women's right to equality.

58. During its visit, the Working Group appreciated the opportunity to meet with representative of the Episcopal Conference and to learn of its impressive programme to combat trafficking in women. It was informed that women were relegated to a secondary role in the Church, and that the Church does not teach feminist theology. This contention was refuted by the representative of the Episcopal Conference, who attended (unconventionally) the final debriefing with the Government, and claimed that women were promoted in the Church and that feminist theology did not, in any case, exist. In the light of the Church's conservative approach to women, it is incumbent on the Government to ensure that the core syllabus in the educational system does not allow the opting out from citizenship studies in favour of courses on religion.

## C. Education of Roma girls

59. The challenge of improving the educational level and employability of Roma girls is urgent.

60. Although the Government has reported considerable improvement in preschool and primary school education of Roma children through the National Strategy for the Social Inclusion of Roma in Spain (2012-2020), the gender gap in secondary and higher education is broad. Though Roma girls achieve better results than Roma boys, only 39.3 per cent of them – as against 60.7 per cent of Roma boys – enter compulsory secondary education (CEDAW/C/ESP/7-8, para. 152). According to information gathered through the National Strategy, while 84.5 per cent of Roma boys complete secondary education, only 71.7 per cent of Roma girls do. In higher education, the participation of Roma girls is alarmingly scarce.

[15] See A/HRC/4/21 and general comment No. 28 of the Human Rights Committee.

61. The Working Group welcomes the above-mentioned National Strategy, in particular its cross-cutting gender focus and the fact that some autonomous communities, such as Andalusia, have adopted successful integration programmes. It was, however, informed that, in many places, schools are isolated and ghettoized. The Working Group emphasizes the importance of monitoring and reviewing strategies for social inclusion, and of involving the Roma community when designing integration policies for girls' education, thus avoiding ghettoization.

### D. Stereotypes and the media

62. Negative gender stereotypes undermine the status of women in all spheres of life. Official statistics point to the large gender gap in the world of sports, culture and academic life.[16] In the media, traditionalist and sexist roles, sexist advertising and resistance to reporting women's success in sports are still widespread. Interlocutors criticized the use of discriminatory language in the courts, the imposition on women of a secondary role in the Church, the scarcer presence of women artists in exhibitions and awards and their severe underrepresentation in the Academy of Sciences and the governing bodies of sports federations. The Working Group noted with concern the multiple discriminatory stereotypes to which women in vulnerable situations, including rural women, women with disabilities, women in poverty, migrant women and lesbians, are subject. It was also informed of the existence of a television show *Palabra de gitano* ("Gypsy's Honour") that portrays women in a degrading and stereotyped way.

63. The Working Group welcomes the ground-breaking law of 2004 on gender-based violence, which empowers public institutions that defend the interests of women to apply to the courts for the withdrawal of advertising material that depicts women in a degrading manner. It welcomes the establishment of an anti-sexist advertising observatory by the Andalusia Institute of Women and the Audiovisual Observatory. The Working Group was also pleased to learn that the Institute of Women has obtained a court injunction for the withdrawal of sexist advertising by a commercial airline. It also welcomes the law on science, technology and innovation, which contains provisions for gender balance in all areas of science, technology and innovation; the 28 non-binding resolutions and two reports of the Equality Committee of the Congress of Deputies on gender stereotypes in the media, sports and digital communications; and the government events held to raise awareness, such as *Ellas crean* ("Women create") and *Carrera de la Mujer* ("Race of women"), to promote the role of women in culture and sports (see CEDAW/C/ESP/7-8).

64. Nevertheless, civil society stakeholders reported the absence of effective sanctions for violations of the law by the media. It is therefore important to back the excellent existing provisions of law and policy with effective sanctions.

## VI. Violence against women

65. The Working Group welcomes the progressive legislative framework in Organic Law 1/2004 to prosecute perpetrators and to protect women in cases of violence committed by current or former partners, and the comprehensive framework of multisectoral prevention, protection and assistance established in 2005. It appreciates the Gender Violence Response system (VioGen) developed by the Ministry of the Interior, an innovative monitoring and follow-up database for use by law enforcement agencies

[16] See the national report of Spain (see footnote 5).

nationwide. The system is a powerful tool in the process of risk assessment aimed at the protection of victims of domestic violence. It communicates with the databases of certain autonomous communities, coordinating victim protection orders issued by regional authorities. Furthermore, a link to VioGen is provided in the training of judges specializing in gender violence with a view to encouraging its use by the judiciary.

66. The protective measures of the law do not, regrettably, cover the full range of gender-based violence, other than intimate partner violence, including, for instance, violence by carers, police violence, violence in public spaces, the workplace and schools, and the stalking of women human rights defenders. The Working Group therefore welcomes the adoption of the National Strategy for the Eradication of Violence against Women (2013-2016), which contains a specific focus on other forms of violence, such as trafficking in women and girls for sexual exploitation, female genital mutilation, sexual assault and forced marriages, and includes initiatives to reform the Penal Code.

67. Despite the considerable efforts made over the years in law, policy and administration, the prevalence of domestic violence remains alarming: in 2014, an average of 347 cases of partner violence were reported every day.[17] In 2014, 54 women were killed by current or former partners, of whom 16 had registered complaints and four had protection orders. According to figures released by the Ministry of Health, Social Services and Equality, for 2015, nine victims had been registered as at 6 April 2015. According to a survey on violence against women issued by the Ministry in 2015, 67.8 per cent of victims do not report violence experienced.

68. Those most vulnerable to gender-based violence include girls, women with disabilities, migrant women and women victims of human trafficking. The incidence of psychological violence and subjugation among girls between 16 and 19 years of age is 25 per cent, as against 9.6 per cent for other age groups. Among women with disabilities, 23.3 per cent are reported to have suffered gender-based violence (compared to 15.1 per cent for women without disabilities). The Committee on the Rights of Persons with Disabilities recommended the adoption of integrated policies to combat violence against women and girls with disabilities (see CRPD/C/ESP/CO/1). Owing to harsh living conditions and the fear of expulsion, migrant women face greater difficulties in reporting domestic violence and in their access to care services (see CERD/C/ESP/CO/18-20).

69. All interlocutors regarded trafficking of women for sexual exploitation as a tragic social issue and were concerned at the lack of implementation of existing protocols for identifying trafficking victims, particularly in cases of expulsion. The Government informed the Working Group that it had continued to work on improving the mechanisms for identifying potential victims of trafficking and their referral to specialized services and assistance.

70. Cases of children killed by violent men, sometimes after the woman's repeated requests for protection and for cancellation of visitation rights or custody, continue to be reported. Some 20 children are said to have been killed by their fathers during visitation meetings between 2008 and 2014. In May 2013, the Government decided to publish an official record of children who have died or been left an orphan as a result of gender violence. According to the Ministry of Health, Social Services and Equality, 10 victims have since been recorded.

71. In the tragic case of Gonzalez, in which an abusive father, during an unsupervised visit, murdered his daughter and then took his own life, the Committee on the Elimination

[17] According to the annual report for 2014 presented by El Observatorio contra la Violencia Doméstica in March 2015, a total of 126,742 cases were reported in 2014 (124,894 in 2013).

of Discrimination against Women found that, by ruling to allow unsupervised visits without giving sufficient consideration to the background of domestic violence, the Spanish authorities had failed to fulfil their due diligence obligations under the Convention (CEDAW/C/58/D/47/2012, para. 9.7) The Committee issued recommendations to the State in its ruling, including on adequate restitution for the mother. It addressed the need to consider any history of domestic violence when determining visitation schedules in order to ensure that they do not endanger women or children and to ensure mandatory training for judges and administrative personnel on domestic violence, including training on gender stereotypes.

72. The Working Group is concerned that, in the above case, the clear recommendations made by the Committee were not heeded by the Government; indeed, its response to the Committee suggests a lack of understanding of the State's responsibility of due diligence. Furthermore, during its visit, the Working Group was informed by numerous stakeholders that law enforcement officials, including social workers, police and judges, continue to fail to give proper weight to women's evidence regarding the risk of violence, for them and their children, owing to the persistence of negative stereotyping of women and insufficiently effective gender-sensitive capacity building. Women victims continue to be discredited as manipulative and are often accused of making false reports. This may affect the issuance of protection orders, which are given in the case of 59 per cent of the requests that reach the court. This reflects a marked decrease in the number of protection orders issued from 2008, when 73.3 per cent were issued.

73. The Working Group was also informed by various stakeholders that the best interests of the child are often interpreted as requiring a normalization of the relationship with the father, and that fathers are frequently granted visitation rights and custody, in spite of evidence that they have committed acts of domestic violence. In accordance with article 66 of Organic Law 1/2004, a judge may order the suspension of child visiting rights in the case of persons accused of gender violence. Where there is a final conviction for domestic violence, the Government asserts that rules seek to ensure that the parent do not have any visiting, relationship or communication privileges before the extinction of their criminal responsibility and that, if they are granted to them exceptionally, judges must take the measures necessary to guarantee the security, integrity and recovery of the child and of the other parent. In the view of the Working Group, this gives too little protection to children of abusive fathers and points out that, in the Gonzales case itself, although there was ample evidence of domestic violence, the assailant was never convicted. The Working Group is cognizant of the current legislative initiative regarding the regulation of guardianship, visitation and custody for accused and convicted abusers It was informed by the Government that the law would restrict judicial power to allow unsupervised contact with children by fathers accused or convicted of domestic violence. The Working Group calls for the legislative reform to be introduced as soon as possible with the promised safeguards to protect children from the risk of violence.

74. Additionally, according to numerous stakeholders, the so-called "parental alienation syndrome" continues to be used to withdraw child custody from the mother and to grant it to a father accused of domestic violence claiming custody on this basis, in many cases with the support of a fathers' rights organization. According to the stakeholders, "parental alienation syndrome" is still a recognized condition, despite the ruling issued in 2013 by the General Council of the Judiciary, which in its guide clearly rejected the validity of this pseudo-scientific theory and firmly opposed its use in cases of gender-based violence.

75. The Working Group cannot overstate its concern that the lessons of the above-mentioned case have not been fully integrated into law and into practice. It is most urgent that all the recommendations of the Committee on the Elimination of Discrimination against Women be implemented fully and immediately.

76. The Working Group was informed of the deteriorating situation nationwide in protective services for women victims of domestic violence, including a reduction in the availability of shelters for women and children. The decision to reduce the number of shelters is deeply regrettable given the seriousness of the problem. The Working Group was subsequently informed by the Government that regional authorities were responsible for ensuring comprehensive assistance and that it had maintained constant its funding of autonomous communities to enable them to meet their responsibilities towards women victims and their children. Some government officials did, however, reiterated their concern that a simple budget allocation was not enough to maintain the standard of social services and benefits per capita in the face of the much greater need for support in times of austerity. The Working Group welcomes the exceptional protection provided for victims of domestic violence observed in Andalusia, which, despite the broad budget cuts made, had maintained the number and quality of shelters.

## VII. Health and safety

### A. Sexual and reproductive health and rights

77. Organic Law 2/2010 on sexual reproductive health and the voluntary interruption of pregnancy is a major step in guaranteeing women's right to the highest standard of health and autonomy. The law was intended, as affirmed in the preamble thereto, to provide protection for women's sexual and reproductive rights as a part of gender equality and of a broader public policy on sexual and reproductive health. The Working Group is, however, concerned that the law allows for conscientious objection by medical professionals, thereby obstructing access to legal abortion - as is the case in Navarra, where no abortion has been performed since 1986. Inadequately regulated conscientious objection constitutes a barrier for women when exercising their right to have access to sexual and reproductive health services. The jurisprudence of human rights treaty bodies states that, where conscientious objection is permitted, States still have an obligation to ensure that women's access to reproductive health services is not limited and that conscientious objection is a personal, not institutional, practice (see E/C.12/POL/CO/5, CEDAW/C/POL/CO/6 and CEDAW/C/SVK/CO/4).

78. In addition, the Working Group is concerned that, under existing legislation, girls younger than 16 years of age have no access to legal abortion without parental consent, even when notifying the parents results in the clear and present danger of domestic violence.

79. The Working Group is also concerned about recent legislative attempts to reverse the law of 2010. In 2013, a draft bill was adopted by the Council of Ministers, limiting abortions to cases in which the woman's physical and mental health is endangered or the pregnancy is the result of rape. The proposal was withdrawn following public outcry.

80. A draft law dated 18 February 2015 proposes to make abortion for girls 16 and 17 years of age and for women with reduced legal capacity dependent on the consent of parents, caretakers or legal guardians. The Working Group calls for the withdrawal of the draft, which is incompatible with international human rights standards. In this regard, the Working Group recalls that, at the International Conference on Population and Development, held in Cairo in 1994, participants encouraged Governments to remove legal barriers preventing women and adolescent girls from access to safe abortion, including revising restrictions within existing abortion laws (E/CN.9/2014/4, para. 81).

81. Requiring third-party consent for girls under the age of 18 runs counter to the obligations of the Convention on the Rights of the Child. In this regard, the Committee on

the Rights of the Child has emphasized the right of the child to confidential counselling and to access to information without parental or guardian consent. In its general comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommended that States review and consider allowing children to consent to certain medical treatments and interventions without the permission of a parent, caregiver or guardian, such as HIV testing and sexual and reproductive health services, including education and guidance on sexual health, contraception and safe abortion. The Convention on the Rights of Persons with Disabilities guarantees full and equal legal capacity to persons with disabilities, recognizing that the denial of legal capacity to persons with disabilities has, in many cases, led to their being deprived of many fundamental rights, including reproductive rights.

### B. Universal health care

82. A legislative amendment of 2012 on measures "to guarantee the sustainability of the national health system and to improve the quality and security of benefits" excluded migrants in an irregular situation from universal health-care coverage. Although the Government affirms that free care is still provided for emergency assistance, accidents and prenatal and postnatal care, civil society organizations allege that the amendment has had a disparate impact on migrant women, who are deprived of free medical services, which can play a vital role in the detection of gender-based violence.

83. The Working Group welcomes the fact that a number of regional governments (Andalusia, Asturias, the Basque Country and Catalonia) have petitioned the Constitutional Court to invalidate the amendment and that Andalusia has established a mechanism to maintain free and universal access to health care.

## VIII. Participation of women in political and public life

84. According to the Inter-Parliamentary Union, with regard to the number of women in the national parliament, Spain is above both regional and world averages.[18] The law of 2007 on equality established a quota of 40 per cent for political representation of each sex, resulting in a significant increase in women's participation in parliament at both the central and local levels. In the national parliament, 36 per cent are women. Total parity was achieved at one stage in the Council of Ministers when, for the first time in Spanish history, women occupied the posts of deputy Prime Minister and Minister for Defence. The proportion of women ministers in the Government has since dropped to only 28.6 per cent (four out of 14 members, including a deputy Prime Minister).

85. At the local level, the proportion of women mayors increased from 15.16 per cent in 2007 to 17.17 per cent in 2013. Four out of 17 autonomous communities have women as presidents. Women in autonomous community regional governments decreased from 39.7 per cent in 2008 to 34.2 per cent in 2013. Funding of equality institutions at the regional level have been reduced by 32 per cent. According to shadow report on the period 2008-2013 submitted by civil society organizations to the Committee on the Elimination of Discrimination against Women (see para. 54 above), Andalusia and the Basque Country, which have maintained their budgeting levels, are exceptions to this trend..

86. Women began to enter the judiciary in the late 1970s; today, there are as many women judges as men. The actual number of women at the highest levels of the judiciary

[18] See www.ipu.org/wmn-e/classif.htm

remains, however, extremely low in the Supreme Court, of 70 judges, only 12 are women; there are no women presidents in the chambers of the *Audiencia Nacional* (National Court); and only six out of 52 presidents in the high courts of justice are women. The Working Group was informed that the low number of appointments of women to the highest levels of the judiciary was due to their late entry into the judicial hierarchy.

87. The Working Group welcomes the gender parity achieved in the composition of the General Council of the Judiciary (10 of 20 members) and the fact that the Prosecutor General is a woman.

88. Similarly, in the Foreign Office, there is a lower number of promotions of women to the position of ambassador, despite the fact that many are formally qualified.

## IX. Access to justice

89. Numerous stakeholders explained to the Working Group that Law 10/2012 on determining costs in the area of administration of justice, which imposes heavy fees for filing actions in court, has raised a serious barrier to litigation in administrative, civil, family and some labour cases. As reported by the General Council of the Judiciary in June 2013, there has been a significant decline in the number of cases brought to the courts in recent years.

90. In this regard, Royal Decree Law 3/2013 amending the rules on fees in the justice system governed by law 10/2012 introduced measures to reduce fees or to extend free legal assistance to certain categories, such as victims of gender-based violence and human trafficking. The Working Group welcomes the amendment and suggests that it should be extended to all claims on gender discrimination, including labour and family issues.

## X. Good practices

91. Strong political will and investment have led to the construction of a solid legislative framework and institutional infrastructure across sectors in government and State institutions.

92. Legal measures have been taken to improve the protection of the rights and working conditions of domestic workers, including inclusion in the social security system.

93. Continuous efforts have led to high level of attendance of Roma girls in pre-school and elementary education.

94. Public institutions in defence of women's rights are empowered by law to bring cases of the use of degrading images of women in advertising to court; cases have been brought successfully by the Institute of Women.

95. Regarding gender-based violence, the gathering of statistics is systematic, comprehensive, up-to-date and accessible in a transparent manner. The VioGen system of the Ministry of the Interior is an effective monitoring tool.

96. In the area of women's sexual and reproductive health and rights, a progressive legal framework for a woman's right of choice during the first 14 weeks of pregnancy has been established.

97. A quota system of gender balance has contributed to the maintenance of a high degree of representation of women in the national parliament.

# XI. Conclusions and recommendations

## A. Conclusions

98. **The efforts of the State to integrate women into public, political and economic life and its commitment to eradicate domestic violence and to protect women's sexual and reproductive health and rights have been impressive, and progress has been remarkable, particularly in the light of the country's historical, social and cultural background. An impressive legal and institutional infrastructure for gender equality has been put in place, which has brought significant gains for women.**

99. **These achievements, however, are still at risk of retrogression. The culture of "machismo" and the social influence of patriarchal religious institutions, combined with the austerity policies implemented in the context of economic and financial crisis of recent years, have had an effect of restricting many women to traditionalist and subordinate roles and undermined their status in economic, social, political and public life. A significant number of interlocutors reported that austerity measures had forced women to assume greater responsibility for care work. A disproportionate number of women are part-time workers unable to find full-time employment.**

100. **Measures crucial for the socioeconomic empowerment of women, including care services and women's equality institutions, have been reduced in many parts of the country. Human rights need special protection in times of economic crisis and, as underlined by the Council of Europe Commissioner for Human Rights, all efforts should be made to assess and limit the negative impact of budgetary cuts on the most vulnerable groups. An assessment of the impact of austerity measures on gender issues should be conducted in a transparent and inclusive manner.**

101. **Despite progressive legislation to combat intimate partner violence, violence continues at an intolerably high level. The deep-rooted causes of pervasive domestic violence demand a response that aims at effecting a change in attitudes and in values. Investment in education, including the continuation of mandatory education in women's human rights in all schools, is essential. Existing measures for monitoring the media and advertising for their negative portrayal of women should be strengthened by enforcing sanctions and ensuring the equal participation of women in the media.**

102. **Women, and sometimes their children, continue to be killed by their current or former partners, some despite the woman's repeated requests for protection and the cancellation of visitation rights or custody. Current legislation only covers certain forms of gender-based violence, such as intimate partner violence; it should therefore be extended to all other forms of gender-based violence, including violence in schools, in public spaces and against vulnerable groups of women.**

103. **The State has a progressive law on sexual reproductive health and voluntary termination of pregnancy for the first 14 weeks. It recognizes a woman's right to the highest standard of health and autonomy, and views the protection of women's sexual and reproductive rights as a part of gender equality. This right is, however, dependent on parental consent for girls under the age of 16. Furthermore, there are gaps in its implementation, because the law also allows for exemptions owing to conscientious objection, and repeated attempts have been made to introduce retrogressive modifications in the law.**

104. **The State has achieved universal health coverage, but the recent exclusion of migrants in an irregular situation represents a retrogressive measure incompatible**

with the State's international and regional human rights obligations. It is important to ensure that this does not affect migrant women disparately and that they continue to receive free-of-charge these medical services, which play a vital role in detecting gender-based violence.

105. The participation of women in the national parliament, at 37.5 per cent, is one of the highest in the world. This is not, however, the case in other areas of political and public life, particularly at the highest level of local, regional and national government, in the judiciary or the diplomatic service.

## B. Recommendations

106. In the area of institutional framework, the Working Group recommends that the State:

(a) Apply the norms of gender equality, the prohibition of discrimination against women and the elimination of gender-based violence in accordance with the its obligations under the Convention on the Elimination of All Forms of Discrimination against Women, relevant ILO conventions, the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union and the Convention on Preventing and Combating Violence against Women and Domestic Violence uniformly to all autonomous communities, if necessary, this should be ensured by amendments to the Constitution;

(b) Restore the Institute of Women as the dedicated entity focusing on women's rights in order to avoid the risk of diluting the concentration on women by adding other functions, thus reducing institutional gender visibility, specificity and focus;

(c) Establish institutional frameworks with a special focus on monitoring and evaluation of the impact of laws and programmes for women's equality and freedom from gender-based violence.

107. With regard to women's participation in economic and social life, the Working Group recommends that the State:

(a) Remove barriers to the participation of women in the labour force by adopting concrete administrative measures to address the range of problems identified in the present report, such as the lack of opportunities for full-time work, gender gaps in earnings, and the disproportionate share of care duties borne by women;

(b) Reintroduce a social protection floor for all kinds of care for dependent persons, including subsidized, affordable, high-quality child-care services, in particular for parents working full time, and the synchronization of school days and holidays with working time – measures essential not only for women but for sustainable economic recovery;

(c) Increase women's participation in entrepreneurship and economic decision-making by setting quotas for boards of directors in large companies and establishing credit facilities and procurement quotas for businesses run by women;

(d) Raise social awareness of the possibility of filing complaints for employment discrimination as provided for by the law on equality of 2007, delegating enforcement of the prohibition of discrimination in both public and private sectors to the Labour Inspectorate and the Institute of Women;

**(e) Facilitate recourse to the courts for remedies by individuals and civil society organizations by, inter alia, exempting employment discrimination suits from court fees;**

**(f) Ratify the revised European Social Charter and the mechanism of collective complaints established thereunder;**

**(g) Collect statistics disaggregated by sex for all aspects of employment in public and private services, including promotion, training and ancillary benefits, such as bonuses, travel expenses and pensions;**

**(h) Ratify ILO Domestic Workers Convention No. 189, as a further step in protecting the rights of domestic workers, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;**

**(i) Conduct an assessment of human rights impact, including gender impact, of fiscal austerity measures in a transparent and inclusive manner, in close cooperation with civil society and existing national human rights structures.**

108. **In the area of education, culture and stereotypes, the Working Group recommends that the State:**

**(a) Enable the education system to play its essential role in combating the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the role and responsibilities of women and men in the family and society, and in eliminating gender-based violence, including domestic violence;**

**(b) Revise school textbooks and curricula in all schools, public and private, to eliminate gender stereotypes, and provide empowerment and career counselling for girls at school;**

**(c) Design, in cooperation with the Roma community, improved integration policies for girls' education, avoiding ghettoization; and bridge the gap for Roma girls in secondary and higher education by means of targeted results-based programmes;**

**(d) Reintroduce education for citizenship and human rights courses across the country as mandatory in the core syllabus, to include also the promotion of gender equality and the elimination of violence against women, including multiple discrimination;**

**(e) Conduct research on the reasons for the persistence of deeply negative gender stereotypes, and empower and facilitate girls and young women to engage in a broad range of fields of study;**

**(f) Combat gender stereotypes in the media, on television and websites, and in statements made by public figures, including politicians, judges and church leaders; and strengthen the excellent provisions of law and policy with effective sanctions.**

109. **On violence against women, the Working Group recommends that the State:**

**(a) Extend the preventive, prosecutorial, punitive and protective provisions of the law of 2004 to include (with necessary adjustments) all forms of violence against women as demanded by the Committee on the Elimination of Discrimination against Women in its general recommendation no. 19, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which Spain has ratified, and as proposed in a draft bill in the Navarra autonomous community;**

**(b) Extend the Gender Violence Response (VioGen) system to cover all forms of violence against women – including violence by carers, police violence,**

**violence in public places, the workplace and schools – and maintain the focus of the system exclusively on gender-based violence, in accordance with the provisions of the Istanbul Convention;**

**(c) Implement urgently all the recommendations made by the Committee on the Elimination of Discrimination against Women in the case of Gonzalez, including the understanding of the State's responsibility of due diligence, particularly in the case of visitation or custody rights for children;**

**(d) Ensure that visitation rights without supervision should not be granted to fathers where the rights, well-being and safety of the victim or the child may be jeopardized;**

**(e) Conduct systematically impact assessments of gender-sensitive training programmes, with a particular focus on contents and methodology; and ensure that effective training programmes reach all relevant personnel in all relevant institutions, including parliamentarians, the judiciary, public officials and law enforcement personnel, and health-service providers;**

**(f) Conduct a comprehensive professional evaluation, in cooperation with civil society organizations with specialized expertise, of the implementation of the law of 2004, including the functioning of institutional and judicial mechanisms, such as special courts on violence against women;**

**(g) Prioritize efforts for vulnerable groups of women, including by eschewing the expulsion of women migrants in an irregular situation or of suspected trafficking victims who have reported exposure to gender-based violence.**

**110. In the area of health and safety, the Working Group recommends that the State:**

**(a) Remove obstacles to women's access to safe and legal abortion services in all parts of the country, such as the blanket refusal in certain regions, on grounds of conscientious objection, to provide abortions; and make suitable public guardianship provisions to allow girls younger than 16 years to obtain an abortion without parental consent;**

**(b) Cancel all attempts to restrict women's and girls' existing access to safe and legal abortion;**

**(c) Include mandatory sex education in school curricula;**

**(d) Ensure universal medical coverage for all, including migrant women, is provided in all autonomous communities.**

**111. With regard to women's participation in political and public life, the Working Group recommends that the State apply temporary special measures to bring a gender balance in public administration, including in the highest levels of the judiciary and in the foreign services.**